



UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/696,986	03/03/97	DEFOURNY	P DB638

BROWNING & BUSHMAN  
5718 WESTHEIMER SUITE 1800  
HOUSTON TX 77057

PM41/0902

EXAMINER	
BAGNELL, D	
ART UNIT	PAPER NUMBER
3625	9
DATE MAILED:	09/02/98

Please find below a communication from the EXAMINER in charge of this application.

*(see attached letter)*

Commissioner of Patents

<b>Office Action Summary</b>	Application No. <b>08/696,986</b>	Applicant(s) <b>Defourny</b>
	Examiner <b>DAVID J. BAGNELL</b>	Group Art Unit <b>3625</b>

Responsive to communication(s) filed on Mar 3, 1997.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims 1-20 are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-19, drawn to a drilling apparatus allowing tilting or lateral movement of first and second members.

Group II, claim(s) 20, drawn to a simulating apparatus.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I does not require the rotation member feature of Group II.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species 1- Figures 2-11, a resilient deformable connection for a drill bit;

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Species 2- Figures 12A-12D and 13, a resilient deformable connection for a drill string;

Species 3- Figures 14-20E, a resilient deformable connection for a cutter mounted to a  
drill bit body.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

Species 1- Claims 2, 3, 5, 10-12

Species 2- Claims 18 and 19

Species 3- claims 15 and 16

David J. Bagnell  
Primary Examiner

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The following claim(s) are generic: 1 (all species)

4, 6, 7, 13, 14, 17 (species 1 and 2)

8, 9 (species 1 and 3)

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Species 2 does not require the elastomeric spacer for Species 1 and 3, while Species 3 does not require the transfer member of Species 1 or 2.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to David Bagnell, whose phone number is (703) 308-2151. The examiner can normally be reached on Mon.-Fri. from 6:30 AM to 3:00 PM.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Tamara Graysay can be reached on (703) 308-2144. The fax number for this group is (703) 305-3597.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

D. Bagnell djb  
September 2, 1998



**DAVID J. BAGNELL  
PRIMARY EXAMINER  
ART UNIT 3625**